

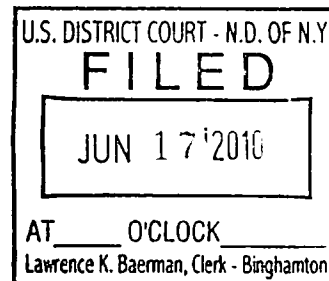
1 **UNITED STATES DISTRICT COURT**  
2 **NORTHERN DISTRICT OF NEW YORK**

3 Robert Dillard Jones, Pro Se,  
4 Individual,, Family Charter Realty  
5 Corporation,  
6 Plaintiffs,

7 vs.

8 Broom County Justice, Judge Joseph  
9 F. Cawley, Binghamton City Court  
10 Justice, Judge Mary Ann Lehman,  
11 New York State Attorney General,  
12 Andrew M Cuomo, Broome County  
13 Office of the Sheriff, Sheriff  
14 David E. Harder, Frederick  
15 *STEPHEN B ATKINSON*  
Williams, Donna M. Altschuh,  
16 Russell Phelps, Phelps  
17 Corporation, *Broome County*  
18 Defendants.

Case No.: *3:10-cv-712 TJM/DEP*  
**PLAINTIFF'S COMPLAINT IN  
SUPPORT OF ORDER TO SHOW CAUSE  
FOR PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER  
PURSUANT TO F.R.C.P. RULE 65**



19  
20  
21  
22 **FIRST CAUSE OF ACTION**

23  
24 1. Plaintiff seek dismissal of Petition And Notice of  
25 Foreclosure [hereinafter "Foreclosure Action"], Index

1 No.20090000902, (See, Plaintiff's Exhibit "A"). for the  
2 property at 322 Main Street, Binghamton, New York 13905. On  
3 grounds that the Foreclosure Action is excessive and over  
4 taxation is unconstitutional and these circumstances has  
5 caused injuries to plaintiff seek tax cuts leniency relief  
6 in the following below:  
7

8 a) Created an economic hardship circumstances because  
9 plaintiff can not secure the funds necessary to  
10 satisfy based on plaintiff's financial means as an  
11 minority, senior, disable veteran;  
12

13 b) Because the property in said Foreclosure Action  
14 doesn't generate profitable income to satisfy such  
15 high and excessive tax rates applied to plaintiff's.  
16 Plus, when this Court consider that five (5) years of  
17 paying property taxes plus, separate school based on  
18 yearly substantial increases is approximately fourteen  
19 thousand Dollars (\$14,000), which is greater that ten  
20 percent (10%) of the market value of the property.  
21

22 c) Due to the deplorable condition of the property when  
23 plaintiff first acquired said property resulted in  
24 plaintiff spending enormous amounts of money and labor  
25 to make repairs, and general maintenance of said  
property.

1 2. That the defendants Broom County Justice, Judge Joseph F.  
2 Cawley, abused his discretion upon failure to take into  
3 considerations that the defendants Frederick Williams and  
4 defendant Donna M. Altschuh owed plaintiff the sum of  
5 nineteen hundred dollars (\$1,900) from 2008, NYSEG bill  
6 created the circumstances where plaintiff was short on cash  
7 to pay said taxes. Since the defendant Frederick Williams  
8 and defendant Donna M. Altschuh, reneged on their  
9 obligation to pay after they reported to plaintiff in 2008,  
10 that they will henceforth maintain the utilities was  
11 crucial to plaintiff's available cash shortage.  
12

13 3. Binghamton City Court Justice, Judge, Mary Ann Lehmanm,  
14 abused her discretion, by failing to acknowledge that  
15 plaintiff submitted credible documentation establishing the  
16 debt owed to plaintiff by the defendant Frederick Williams  
17 and Donna M. Altschuh. Also Judge Mary Ann Lehman,  
18 erroneous ruling that plaintiff can sue defendants as a  
19 corporation because plaintiff Family Charter Realty  
20 Corporation was inactive. (**See, Plaintiff's Exhibit "B",**  
21 **Decision & Order, by Judge Joseph F. Cawley, Index No.**  
22 **2009-0509, dated July 23, 2009, Plaintiff's Exhibit "B1",**  
23 **Notice of Judgment For Defendant, Index No. B7169, dated**  
24 **July 24, 2008).**  
25

- 1 4. The fact that defendants Williams and Altschuh, recent  
2 accepted and cashed checks from plaintiff's Family Charter  
3 Realty Corporation is a contradiction to the contention  
4 made by the defendants and their attorney Stephen B.  
5 Atkinson, Esq., is pure fabrication and act as an self  
6 serving declaration with out an shred of truth.
- 7 5. Plaintiff contends that both Judge Joseph F. Cawley and  
8 Judge Mary Ann Lehman, abused their discretion by allowing  
9 Counsel Steve Atkinson, Esq., for the defendants Williams  
10 and Altschuh, to introduce evidence a computer print out of  
11 plaintiff's alleged inactive Family Charter Realty  
12 Corporation. In violation of the rules of evidence for  
13 authentication of documentary evidence must be considered  
14 inadmissible if not bearing a seal of the Secretary of  
15 State as an official admissible document in terms. (See,  
16 **Plaintiff's Exhibit "C" Court Transcripts, Index No.:**  
17 **B7169, dated July 24, 2008. at page 13, lines 10-21, before**  
18 **Judge Mary Ann Lehman).**  
19

20  
21 **SECOND CAUSE OF ACTION**  
22

23 **MAJOR FRAUD & LARCENY & SLANDER & PERJURY**  
24  
25

1 1. The defendants Frederick Williams and Donna M. Altschuh,  
2 committed Major Fraud in both Courts in this action by  
3 denying the fact that they owed plaintiff the sum of  
4 nineteen hundred dollars (\$1,900) (See, Plaintiff's Exhibit  
5 "I", Bill from NYSEG in plaintiff's name, dated February 5,  
6 2001), by reneging on their obligation and verbal agreement  
7 to maintain the utilities. In attempt to abscond from debt  
8 owed to plaintiff for utilities and other issues related to  
9 the maintenance of property at 175 Hudson Street, Johnson  
10 City, New York 252-254 Grand Street, Johnson City  
11 (Plaintiff demanded money & property returned, and  
12 \$120,000.00, plus 25% interest). The defendants Williams  
13 and Altschuh, sold he properties before plaintiff could  
14 file an action for compensation as entitled pursuant to the  
15 land Contract contractual obligation between the parties  
16 represents the basis of major fraud (See, Plaintiff's  
17 Exhibit "F", Complaint filed with New York State Attorney  
18 general in this Action on March 4, 2010). More importantly,  
19 these same defendants Williams and Altschuh, sudden posture  
20 of having selective amnesia is created with the following  
21 purposes:  
22  
23

24 a) Willfully and intentionally deceived the Courts about  
25 their involvement and financial and contractual

responsibilities to plaintiff involving the two properties in Johnson City, the utilities, and securities rent deposits to commit major fraud.

b) The defendants Williams and Altschuh, committed larceny by fraud and deception and concealment of their written and oral contractual obligations to plaintiff under circumstances raised in his action.

2. The defendants Frederick Williams and Donna M. Altschuh, perjured themselves in both Courts in this action by denying informing plaintiff that they will be taking over obligation to pay utilities on said property. The same defendants further perjured themselves by willfully and falsely alleging plaintiff Family Charter Realty Corporation was inactive in the Courts in this action [fraudulent representation].

2. The defendants Frederick Williams and Donna M. Altschuh, committed slander against plaintiff for fabricating statements that plaintiff's Family Charter Realty Corporation was inactive because of the following:

a) The defendants Frederick Williams and Donna M. Altschuh, accepted plaintiff checks from the Family Charter Realty Corporation during the same time they

1           were giving false statements to the Courts that said  
2           corporation was inactive [fraudulent intent].

3           b) Plaintiff have cancelled checks made out from Family  
4           Charter Realty Corporation during the same period of  
5           time the defendants Frederick Williams and Donna M.  
6           Altschuh, was providing these deceptions to the  
7           Courts. For the purpose of to mislead the Courts and  
8           evade paying due compensation to plaintiff.  
9           Furthermore, plaintiff paid his property taxes,  
10          water/sewer bills, debts to banks, utilities bills,  
11          and other municipalities with Family Charter Realty  
12          Corporation checks with out incident from about the  
13          years 2001 to 2010. Therefore, the defendants  
14          contention of Family Charter Realty Corporation being  
15          unable to sue and is inactive must be rejected as  
16          unpersuasive.

17  
18          c) Larceny is based on the defendants Frederick Williams  
19          and Donna M. Altschuh, intent to escape their  
20          financial obligation and debt to plaintiff for the  
21          utilities and other issues related to the general  
22          maintenance of said properties. The defendants are  
23          guilty of larceny by fraud and deception.

24          d) The defendants Williams & Altschuh, when they signed  
25          the contract with plaintiff knew the status of the

1 Family Charter Realty Corporation or should have know.  
2 The fact that defendants continue to accept checks  
3 from plaintiff's Family Charter Realty Corporation de  
4 not now insulate them from civil suite by plaintiff  
5 because they have forfeited any such rights if they  
6 did exist under law (See, Plaintiff's Exhibit "H"  
7 Uniform Sale Closing Contract, dated October 15,  
8 2001).

9  
10 e) The defendants now claim that plaintiff's family  
11 Charter Realty Corporation is inactive and can not  
12 legally sue is a self serving declaration to avoid  
13 compensating plaintiff for the injuries he sustained  
14 by these defendants.

15  
16 **THIRD CAUSE OF ACTION**

17  
18 **USURY CONTRACTAND SERVITUDE (SERVITUS) TACTICS**

19  
20 1. That the defendants Williams and Altschuh, are guilty of  
21 usury and servitude circumstances placed on plaintiff in  
22 relation to the land contract agreement and general  
23 maintenance and financial obligations of said properties in  
24 Johnson City.  
25



2. The defendants Williams and Altschuh, sold said properties before plaintiff could file a civil suit for compensation as consequence of the money, labor, materials and repairs plaintiff put in to said properties. A violation Title 18, Chapter 77, Peonage & Slavery Codification, 13<sup>th</sup> United States Amendment, Civil Rights; and general usury laws.
3. The defendants William and Altschuh, caused "maicious injury" to plaintiff in the course of their contractual obligation through land lease agreement. And major fraud and larceny was the vehicle which the defendants accomplished these acts of malfeasance.

#### FOURTH CASUE OF ACTION

##### USURY, LEGAL LOAN SHARKING, EXCESSIVE INTEREST RATE

1. The defendant Russell Phelps, President of Phelps Corporation is guilty of applying excessive and above the national mortgage interest rate starting at about 4.5% on property located at 322 main Street, Binghamton, New York 13905. The mortgage rate of 10% which defendant Russell Phelps overcharge plaintiff represents a violation of "Unfair" and Deceptive Acts and Practices" (UDAP); Civil Rights Violation of the Fair Housing Act of 1937 (FHA); the

1 Fair Housing Laws, where the disproportionate impact of  
2 "Overage" and "Upselling" on minorities. Which give rise to  
3 Legal Loan Sharking.

4 2. The 10% mortgage interest rate created economic hardship on  
5 plaintiff to pay back considering the enormous finances  
6 plaintiff had to incur such as utilities; property taxes;  
7 water/sewage bills, and repairs/materials required for the  
8 maintenance of said property. These circumstances is  
9 defined an act of usury behavior by the defendant Russell  
10 Phelps, of Phelps Corporation. These circumstances  
11 represent "usury" and "slavery" conditions created by  
12 defendant Russell Phelps, profit off plaintiff's labor and  
13 finances to make repairs and pay finances of said  
14 properties.  
15

16 3. As consequence of plaintiff not being able to pay property  
17 taxes is due to the excessive mortgage rate of 10%, over  
18 charged by defendant. Also, this over charge of said 10%  
19 mortgage rate has ruin plaintiff's credit rating; made it  
20 hard for plaintiff to secure loans to pay off property  
21 taxes; and cause emotional and economical and emotional  
22 duress damages to plaintiff.  
23  
24  
25

**FOURTH CAUSE OF ACTION**

1. Plaintiff was denied certain tax breaks exemptions on the basis that plaintiff is senior, minority, disable veteran, and small minority business owner. This status of plaintiff's ethnic warrants tax reductions, amnesty, and abatements that the both the City of Binghamton, and Broome County tax agencies refuse to apply these criteria's to plaintiff's status articulated in the above.
2. Also, these inactions or failure to apply the mentioned formula plaintiff's ethic background is denial of his basic procedural due process that deprive plaintiff of other means to secure loans to off rear property taxes on said property.

#### **FIFTH CAUSE OF ACTION**

#### **RESTITUTION DAMAGES DEMANDED**

1 Plaintiff seek restitution from the defendant Frederick Williams and defendant Donna M. Altschuh, the return of property located at 175 Hudson Street, Johnson City, New York, Tax Map No.143.27-3-22, and the property located at 252 and 254 Grand Street, Johnson City, New York. Plaintiff seek that said properties be returned forthwith upon conclusion of this proceeding cleared of all liens, violations, rear taxes, and other debt contributed to said properties, and plaintiff named

1 as owner on the deed and clean title to plaintiff as Robert  
2 Dillard Jones, Individually and Family Charter Realty  
3 Corporation, as an entity.

4 3. -In regards to defendant Russell Phelps, of Phelps  
5 Corporation, plaintiff seek the following conditions paced  
6 on the property located at 322 Main Street, Binghamton, New  
7 York 13905, Tax Map No. 143.75-1-22, Broom County's,  
8 Petition and Notice of Foreclosure, Index No.20090000902:  
9

10 a) That both the City and County of Binghamton, New York  
11 forgive all back taxes for a period of five (5) years;

12 b) That both the City and County of Binghamton, New York,  
13 give plaintiff tax abatements under the same terms  
14 described in the above:

15 c) That the Court Order the defendant Russell Phelps, of  
16 Phelps Corporation to substantially reduce plaintiff's  
17 mortgage rate from the excessive rate of 10% to  
18 approximately 6.5%, for fifteen (15) years;


19 d) That the Court Order the defendant Russell Phelps, of  
20 Phelps Corporation to reduce the mortgage on 322 main  
21 Street, Binghamton, New York, to the sum of  
22 approximately sixty thousand dollars (\$60,000.00) as  
23 payment for said property.  
24  
25

**SIXTH CAUSE OF ACTION**

**GROSS NEGLIGENCE GOVERNMENTAL AGENCIES**

1. Plaintiff contends that the defendant Broom County Office of the Sheriff, Sheriff David E. Harder, was negligent in his administrative and investigative official capacity to prosecute plaintiff complaint lodged with agency. Plaintiff submitted credible and sufficient evidence that warrants an investigation and ensuing complaint being filed against the respondents based on serious crimes be committed by said defendants. (See, Plaintiff's Exhibit "D", Communications from Defendant Sheriff, David E. Harder, dated February 8, 2010, Plaintiff's Exhibit "D1", Plaintiff's Complaint to Defendant Sheriff David E. Harder, dated January 23, 2010).
2. Plaintiff contends that defendant New York State Attorney General Andrew M. Cuomo, office was negligent in their official administrative and investigative capacities to prosecute plaintiff's complaints involving the major fraud by deception, larceny and providing knowingly false testimony and evidence in to an judicial proceeding. (See, Plaintiff's exhibit "E", communication from New York State Attorney general Office date March 4, 2010).

Dated: June 17, 2010.

  
Robert Dillard Jones,

Robert Dillard Jones,  
Pro Se, Individual  
President of Family  
Charter Realty Corp.  
322 Main Street  
Binghamton, N.Y. 13905  
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